

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD RALEIGH, #466558,

Petitioner,

v.

Case No. 4:16-CV-13377
Honorable Linda V. Parker

THOMAS WINN,

Respondent.

**ORDER DENYING REQUEST FOR RECONSIDERATION AND
DIRECTING CLERK OF THE COURT TO OPEN A NEW HABEAS CASE**

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This matter is before the Court on Petitioner's second amended habeas petition brought pursuant to 28 U.S.C. § 2254. On August 16, 2018, the Court dismissed Petitioner's first amended application for habeas relief because his original habeas petition was dismissed without prejudice in 2016 and the case was closed without the Court retaining jurisdiction. The Court instructed Petitioner that his proper recourse was to file a new habeas petition. Instead, on August 27, 2018, Petitioner filed a document requesting reconsideration of the Court's August 16, 2018 decision, to which he again attached his previously filed habeas petition. Petitioner's filing does reflect that he has pursued additional state court remedies to exhaust his claims since this Court dismissed his original habeas petition in 2016.

A motion for reconsideration which presents issues already ruled upon by a district court, either expressly or by reasonable implication, will not be granted. *Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). Such is the case here. The Court properly dismissed the first amended habeas petition because the original habeas petition was dismissed without prejudice and the case was closed in 2016 without the Court retaining jurisdiction over the matter. Petitioner fails to meet his burden of showing a palpable defect by which the Court has been misled or that a different disposition must result from a correction thereof, as required by Local Rule 7.1(h)(3). Accordingly, the Court **DENIES** reconsideration. This case remains closed.

The Court, however, also **DIRECTS** the Clerk of the Court to file the application for habeas relief Petitioner filed on August 7, 2018 as an original petition for a writ of habeas corpus in a new case with a new case number. Petitioner is advised that **any future filings shall include this new case number**. The Court expresses no opinion as to the procedural or substantive merits of Petitioner's habeas claims.

IT IS SO ORDERED.

Dated: September 20, 2018

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, September 20, 2018, by electronic and/or U.S. First Class mail.

s/ R. Lory
Case Manager